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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,000	05/22/2007	Michel Fouvet	GER-0864	2931
23413 7590 09/11/2009 CANTOR COLBURN, LLP 20 Church Street 22nd Floor Hartford, CT 06103				
EXAMINER PARKER, FREDERICK JOHN				
ART UNIT		PAPER NUMBER		
1792				
NOTIFICATION DATE		DELIVERY MODE		
09/11/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

Office Action Summary

Application No.

10/587,000

Applicant(s)

FOUVET, MICHEL

Examiner

Frederick J. Parker

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/88)
Paper No(s)/Mail Date 7-20-06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

2. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Prior Art Rejections

3. (Claim language is interpreted under 36 USC 112/6th paragraph where appropriate).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,3,4,7-9,13,16,17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bartlett US 4342535.

Bartlett discloses an apparatus and method for its use to robotically spray paint automobiles. Device carriage 22,24 continuously transports an auto body through a spray station; within the station are at least one spray (meeting Applicants' "means of applying paint" of element 16) and opener/gripping device 16 together on rack 26 which causes movement along rail 20 in a first direction parallel conveyance of the auto body (claim 7), and its movement is recognized by detector 106. The robot also moves in a vertical axis to allow movement of the spray means and

grippers as described throughout the text and particularly figure 2 and 7, and accompanying text. Opening device 16 allows plural openable features (claim 17) to be opened to allow movement of the spray means therein to paint the insides, and then allows the features to be closed once the spray process is completed (col. 2, 19-54). The two travel means (motions are parallel and perpendicular to the conveyance of the auto body) are separate and distinct. These directions meet Applicants' limitations regarding first and second "means of tracking" which are defined on page 6, paragraph 1 and 2. The gripper also has pivoting elements (per claim 8) to permit the complex movements of claims 9 & 13. Further the paint robot paints the surfaces of the inner door surface and may approach and move away from the door surface (per col. 4, col. 5, 28-35, fig. 1; etc) Thus the movements of claims 3-4, 7-9, 13 are anticipated by the stated or inherent movements of the prior art apparatus and method..

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
8. Claims 2,5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartlett US 4342535, which is cited for the same reasons previously discussed, and are incorporated herein.

Bartlett is not limited to one gripper/ opener and hence the use of multiple units, with one each corresponding to each the openable features seen in figure 1 would have been an obvious variation. It is well settled that the duplication of parts has no patentable significance unless a new and unexpected result is produced, MPEP 2111.04 VIB. Hence claims 2,5 would have been obvious.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to carry out the method of Bartlett by having a corresponding number of gripping/coating units for the plurality of openable features in an automobile in order to allow greater coating productivity and flexibility (e.g. color, pattern, etc).

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bartlett US 4342535 in view of the Admitted Prior Art, APA.

Bartlett is cited for the same reasons previously discussed, and are incorporated herein. While specific openable parts and coating thereof are not explicitly stated, the APA teaches the painting of interior parts of an auto body including door interiors (as shown in Bartlett); underneath the engine hood and interior of engine block; underneath of trunk lid.(page , Para. 4- page 5, top). Page 5 continues to admit that six multi-axis robots are used for painting the 4 doors, hood, and trunk area, and that opening devices are known to open, keep open, and close the door, hood or

trunk as necessary. Thus claim 18 would have been obvious in view of the combination of references.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to carry out the method of Bartlett and utilizing a plurality of the disclosed coating robots and openers for the plurality of openable features because it has been known to open, coat, and close such openable features in painting process, as admitted by Applicants' APA.

10. Claims 6, 10-12, 14, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartlett US 4342535 in view of Ekenberg US 5733374.

Bartlett is cited for the same reasons previously discussed, and are incorporated herein. An opening within the wall of the station for the opener is not cited. However, Ekenberg teaches an analogous paint spray booth which is disclosed to integrate the robotic body inside booth walls contain slots in the wall to save room in the booth and achieve a better painting processes, allowing the robotic operation to proceed through the slot in the wall, see Abstract; fig. 2-6; col. 2, 13-45; and elsewhere. It would have been obvious to one of ordinary skill in the art at the time the invention was made to carry out the method of Bartlett and incorporate the concept of protecting the robots as disclosed by Ekenberg to integrate the robotic body inside booth walls contain slots in the wall to save room in the booth and achieve a better painting process. Given the concept of integrating the robotic body into the booth walls to achieve the cited benefits, it would have been an obvious variation to place the robot body into the floor for the same reasons, since it would have been expected to produce similar benefits, per claims 10, 11, 15.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick J. Parker whose telephone number is 571/ 272-1426. The examiner can normally be reached on Mon-Thur. 6:15am -3:45pm, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571/272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Frederick J. Parker
Primary Examiner
Art Unit 1792

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Primary Examiner, Art Unit 1792